

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE JOHNSON, JR.,  
Plaintiff,

v.

RICK M. HILL, et al.,  
Defendants.

No. 2:23-cv-01846-DJC-SCR-P

ORDER

Plaintiff Jesse Johnson, Jr., is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action in the United States District Court for the Northern District of California and the case was transferred to this court on August 24, 2023. (ECF No. 3.) As set forth in plaintiff's initial complaint and amended complaint filed on July 8, 2024, plaintiff seeks relief through this action for harm resulting from an incident that occurred on February 25, 2019, and subsequent events. (See ECF No. 1; ECF No. 17.) The defendants named in the amended complaint are defendants Hill, Beasley, Benedyuk, Aguilar, Herrera, Fausel, and Montes. (ECF No. 17 at 2-3.) On July 31, 2024, the court screened the amended complaint and dismissed it with leave to amend. (ECF No. 19.)

The court has reviewed plaintiff's letter to the Clerk filed on September 3, 2024. (ECF No. 23.) The court has also reviewed the full docket and has determined plaintiff's documents filed on September 25, 2023 (ECF Nos. 9, 10), and on March 5, 2024 (ECF Nos. 13, 14, 15),

1 should have been filed in a newly opened, separate civil action. As plaintiff explains in the letter  
2 filed on September 3, 2024, the complaints filed as amended complaints in this action at ECF No.  
3 10 and ECF No. 14 were intended to be a “different Civil Rights [case]” for which plaintiff has  
4 “not receive[d] a file number” from when he first mailed the complaint to the court in September  
5 2023. (See ECF No. 23 at 1.)<sup>1</sup>

6 Accordingly, the court will order that the documents inadvertently filed in this case be  
7 stricken from this action and filed in a newly opened, separate civil action. Any further amended  
8 complaint filed in this action will be the second amended complaint in this action, and plaintiff  
9 may title it as such even though the court previously indicated it would be the fourth amended  
10 complaint. Any further amended complaint in this action remains due within 60 days of the date  
11 of service of the court’s earlier screening order. (ECF No. 19.)

12 In accordance with the above, IT IS ORDERED that the Clerk of the Court is directed to:

- 13 1. Open a new, separate civil action for plaintiff Jesse Johnson, Jr.
- 14 2. File and docket a copy of this order in the newly opened action.
- 15 3. File and docket ECF Nos. 9, 10, 13, 14, and 15 in the newly opened action
- 16 using the original file date and strike those entries from this action.
- 17 4. Docket ECF No. 10 as the original complaint and ECF No. 14 as the
- 18 first amended complaint in the newly opened action.<sup>2</sup>

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25 <sup>1</sup> The defendants in plaintiff’s intended new civil rights action are defendants Hill, Hart, Rojas,  
26 and Harris, and the intended new action involves an incident that occurred on July 6, 2021, and  
subsequent events. (See ECF Nos. 10, 14.)

27 <sup>2</sup> Plaintiff’s letter filed on September 3, 2023, appears to describe ECF No. 14 as a copy of the  
28 original complaint submitted for the newly opened case. However, the court finds it is not an  
identical copy because it contains additional or different attached documents. The court therefore  
construes it as a first amended complaint in the newly opened action.

1                   5. Send plaintiff a copy of his first amended complaint filed in the newly opened  
2 action bearing the new case number.

3                   SO ORDERED

4                   Dated: September 16, 2024

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7 SEAN C. RIORDAN  
8 UNITED STATES MAGISTRATE JUDGE  
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